IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5676 of 2007()

CRMP.2944/2007 of I ADDL. DISTRICT COURT, KOLLAM
CRIME NO.125/2007 OF KARUNAGAPPALLY
EXCISE RANGE

.....

PETITIONER/ACCUSED

HARIKUMAR, S/O.SIDHARTHAN,
HARI BHAVANAM, MANKUZHY DESOM,
BHARANIKAVU VILLAGE, MAVELIKKARA,
ALLEPPEY DISTRICT.

BY ADV. SRI.R.REJI

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTED BY EXCISE INSPECTOR,
KARUNAGAPPALLY EXCISE RANGE.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5676 of 2007

Dated this the 19th day of September 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to transport 525 litres of spirit in a car. He was apprehended on 3/8/2007. He continues in custody from that date.

2. The learned counsel for the petitioner prays; but the learned Public Prosecutor opposes the application for bail.

3. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

4. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court for bail at later stage of the investigation, not at any rate, prior to 28/9/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007